

# MANDATE

S.D.N.Y. — N.Y.C.  
19-cv-7541  
Carter, J.  
Cave, M.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8<sup>th</sup> day of February, two thousand twenty-four.

Present:

Pierre N. Leval,  
Susan L. Carney,  
Richard J. Sullivan,  
*Circuit Judges.*

USDC SDNY  
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Cengage Learning, Inc.,

*Petitioner,*

v.

23-7357

Douglas Bernstein, et al.,

*Respondents.*

Petitioner requests, pursuant to Federal Rule of Civil Procedure 23(f), leave to immediately appeal the district court's order granting class certification. Petitioner also moves for leave to file a reply. Upon due consideration, it is hereby ORDERED that the motion for leave to file a reply is GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 02/08/2024